

PATENT  
Customer No. 81,331  
Attorney Docket No. 10761.0009-00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Application of:	)	
	)	
Sean HANDEL et al.	)	Group Art Unit: 3622
	)	
Application No.: 09/196,338	)	Examiner: Duran, Arthur D.
	)	
Filed: November 19, 1998	)	Confirmation No.: 9014
	)	
For: A PERSONALIZED PRODUCT	)	
REPORT	)	

**Attention: Mail Stop Appeal Brief - Patents**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**REPLY BRIEF**

Pursuant to 37 CFR § 41.41(a)(1), Appellants present this Reply Brief in response to the Examiner's Answer mailed on April 8, 2010.

**I. Response to Examiner's Arguments in the Answer**

In addition to the arguments for reversal of the outstanding final rejection provided in Appellants' Appeal Brief filed on January 11, 2010, Appellants provide the following remarks regarding the Examiner's Answer ("Answer") mailed on April 8, 2010.

The Examiner states that *Bergh* discloses "different profiles have different rules and restrictions" (Answer at page 37). However, *Bergh* appears to disclose that at least one profile may be created for each user. A first profile may indicate that the user avoids seafood restaurants on Fridays, and additional profiles may indicate "user's restaurant preferences from Saturday through Thursday" and "user's restaurant preferences on Friday."

Appellants continue to submit that, while *Bergh* discloses user profiles, *Bergh* does not teach or suggest a user profile that comprises 1) "a set of personal information data, the personal information data including direct user inputs," 2) "information based on use of the product/service rating information," 3) "a profile field," and 4) "and a profile restriction, wherein the profile field contains detailed personal information of a user associated with the user profile and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses," as recited in claim 1 at least because there is no disclosure in *Bergh* of the four elements of the claimed "user profile."

Moreover, *Bergh* also does not teach or suggest the claimed "at least one of the user profiles is grouped in at least two user personas wherein a first subset of users from the plurality of users have each submitted product/service rating data for at least one product or service," as recited in claim 1.

*King* discloses a user interface “organized using different personae” (col. 2, lines 4-5). According to *King*, a user “can move from the master persona to alternate persona” (col. 4, lines 10-11). If the user selects an alternate persona (i.e. “house buyer” and “Father of Fritz”), the folders and information directory associated with the alternate persona may be displayed (See Figs. 2 and 3 of *King*). Some of the contact information located in information directory 31 may be displayed for more than one persona. For example, contact “wife” is listed in the information directory 31 of “master persona,” “house buyer,” and “Father of Fritz” (See Figs. 1-3 of *King*).

The Examiner states that “King further discloses different personas for a user where each persona has different restrictions and capabilities” (Answer at page 37). Based on this interpretation of *King*, the Examiner appears to assert that the “wife” contact that is listed in the information directory 31 of “master persona,” “house buyer,” and “Father of Fritz” corresponds to the claimed “at least one of the user profiles [that] is grouped in at least two user personas wherein a first subset of users from the plurality of users have each submitted product/service rating data for at least one product or service,” as recited in claim 1. The Examiner is incorrect.

Even assuming that the “wife” contact is grouped “in at least two user personas,” which Appellants do not concede, the “wife” contact does not teach or suggest the claimed “user profile.” According to claim 1, the user profile comprises 1) “a set of personal information data, the personal information data including direct user inputs,” 2) “information based on use of the product/service rating information,” 3) “a profile field,” and 4) “and a profile restriction, wherein the profile field contains detailed personal

information of a user associated with the user profile and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses.”

In contrast, the “wife” contact in *King* only contains “a voice telephone number” (col. 4, lines 1-2). The “wife” contact does not include, for example, 1) “a set of personal information data, the personal information data including direct user inputs,” 2) “information based on use of the product/service rating information,” 3) “a profile field,” and 4) “and a profile restriction, wherein the profile field contains detailed personal information of a user associated with the user profile and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses,” as recited in claim 1. A telephone number does not teach or suggest the four elements required in the claimed “user profile.”

Even assuming that *King* may limit a user’s capabilities, which Appellants do not concede, Appellants continue to assert that any generic profile and rules that may exist in the embodiment of *King* does not teach or suggest the combination of elements required by the claimed “user profile.” The profile restriction relied upon by the Examiner does not teach or suggest a “user profile” that comprises 1) “a set of personal information data, the personal information data including direct user inputs,” 2) “information based on use of the product/service rating information,” 3) “a profile field,” and 4) “and a profile restriction, wherein the profile field contains detailed personal information of a user associated with the user profile and the profile restriction contains rules in the form of a pattern to restrict the rules to certain uses” in combination with “at least one of the user profiles is grouped in at least two user personas wherein a first

subset of users from the plurality of users have each submitted product/service rating data for at least one product or service,” as recited in claim 1.

Appellants continue to assert that the combination of references also does not teach or suggest the claimed “filtering, by the processor, the first set of user profiles to create a second set of user profiles, wherein the second set of user profiles includes a number of user profiles equal to a first threshold variable  $n$  having a value indicating the number of user profiles contained within the second set of user profiles . . . [and] determining , by the processor, whether the second set of user profiles differs from the requesting user's profile by more than a second threshold variable  $y$  having a value indicating the distance between the second set of user profiles and the requesting user's profile,” in combination with “if the second set of user profiles differs from the requesting user's profile by more than the second threshold variable  $y$ , repeating, by the processor, the filtering and determining steps at relaxed values of the first and second threshold variables  $n$  and  $y$  to obtain an updated second set of user profiles,” as further recited in claim 1.

The Examiner states that the above elements “can be interpreted as a first set of user profiles, filtering the first set to obtain a #  $n$  of user profiles in a second set. Determining whether the second set differs by more than  $y$  from the requesting user. Relaxing  $n$  and  $y$  if the second set differs by more than  $y$ ” (Answer at pages 40-41). Appellants do not necessarily agree with the Examiner's impermissibly broad characterization of the claim elements.

As stated above, claim 1 requires filtering “the first set of user profiles to create a second set of user profiles” that “includes a number of user profiles equal to a first

threshold variable  $n$  having a value indicating the number of user profiles contained within the second set of user profiles.” After creating the second set of user profiles, the method determines “whether the second set of user profiles differs from the requesting user's profile by more than a second threshold variable  $y$  having a value indicating the distance between the second set of user profiles and the requesting user's profile.” After the determination, the method repeats “the filtering and determining steps at relaxed values of the first and second threshold variables  $n$  and  $y$  to obtain an updated second set of user profiles” if “the second set of user profiles differs from the requesting user's profile by more than the second threshold variable  $y$ .”

Appellants continue to assert that *Bergh* merely discloses a predetermined threshold value  $L$  that may be “set to any value which improves the predictive capability of the method.” Neighboring users “can be selected based on having both a threshold value less than  $L$  and a confidence factor higher than a second predetermined threshold” (col. 10, lines 34-46).

The predetermined threshold value in *Bergh* does not teach or suggest the step of filtering “the first set of user profiles to create a second set of user profiles, wherein the second set of user profiles includes a number of user profiles equal to a first threshold variable  $n$  having a value indicating the number of user profiles contained within the second set of user profiles,” determining “whether the second set of user profiles differs from the requesting user's profile by more than a second threshold variable  $y$  having a value indicating the distance between the second set of user profiles and the requesting user's profile,” and “if the second set of user profiles differs from the requesting user's profile by more than the second threshold variable  $y$ , repeating, by the

processor, the filtering and determining steps at relaxed values of the first and second threshold variables  $n$  and  $y$  to obtain an updated second set of user profiles,” as recited in claim 1.

The Examiner correctly states that “Bergh does not explicitly disclose relaxing  $n$  and  $y$  if the second set differs by more than  $y$ ” (Answer at page 41). However, the Examiner states that “if Bergh desires 25 users with a given similarity, it is obvious that Bergh can relax the similarity requirement if only 20 users are returned” (Answer at page 41). However, Appellants find no teaching or suggest in *Bergh* to support the Examiner’s position. Specifically, *Bergh* fails to teach or suggest a “first threshold variable” and a “second threshold variable” in combination with the claimed “relaxed values of the first and second threshold variables,” as recited in claim 1.

The Examiner states that *Sumita* discloses “relaxing the return criteria to attain a sufficient result set” (Answer at page 41). According to *Sumita*, “various retrieving conditions or the threshold of the similarities are dynamically changed whenever the retrieval is performed or in accordance with results of plural and successive retrievals” (col. 5, lines 63-66). The conditions and threshold may be “allowed to automatically follow the change in the contents of the article which is being supplied” (col. 6, lines 1-2). *Sumita* also states, “[t]he threshold of the similarity is changed in accordance with the result of the retrieval or a new threshold calculated in accordance with the result of the retrieval and the ground of the calculation are presented to the user to urge the user to change the threshold” (col. 56, lines 3-7).

While *Sumita* discloses a user that may change a threshold, *Sumita* does not teach or suggest the step of filtering “the first set of user profiles to create a second set

of user profiles, wherein the second set of user profiles includes a number of user profiles equal to a first threshold variable  $n$  having a value indicating the number of user profiles contained within the second set of user profiles,” determining “whether the second set of user profiles differs from the requesting user's profile by more than a second threshold variable  $y$  having a value indicating the distance between the second set of user profiles and the requesting user's profile,” and “if the second set of user profiles differs from the requesting user's profile by more than the second threshold variable  $y$ , repeating, by the processor, the filtering and determining steps at relaxed values of the first and second threshold variables  $n$  and  $y$  to obtain an updated second set of user profiles,” as recited in claim 1.

Appellants continue to assert that *King*, *O'Neil*, and *Ginter* do not cure the above-mentioned deficiencies of *Bergh* and *Sumita*. Indeed, the Examiner does not rely on *King*, *O'Neil*, or *Ginter* to teach or suggest these elements.

Claim 1 is thus allowable. Claim 25 depends from claim 1 and is thus also allowable for at least the same reasons as claim 1.

Independent claims 10 and 11, though of different scope from claim 1, recite elements similar to those set forth above with respect to claim 1. Claims 10 and 11 are therefore allowable for at least the reasons presented above. Dependent claims 26-29 are also allowable at least due to their dependence from claims 10 and 11.



## II. Conclusion

For the reasons given above, and those reasons provided in Appellants' Appeal Brief, Appellants respectfully submit that the rejection of the claims is in error and should be reversed.

If there are any fees due under 37 C.F.R. §§ 1.16 or 1.17 which are not enclosed herewith, please charge such fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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